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July 27, 2001

Exemption No. 4371G
Regulatory Docket No. FAA-2000-8093

Lt. Colonel Christopher L. Swider
Chief, Flight Standards Division
Department of the Air Force
1535 Command Drive
Andrews Air Force Base, MD 20762-7002

Dear Lt. Colonel Swider:

This is in response to your June 26, 2001, letter petitioning the Federal Aviation Administration (FAA) on behalf of the Department of the Air Force (Air Force) for an amendment to Exemption No. 4371, as amended. That exemption from §§ 91.177(a)(2) and 91.179(b)(1) of Title 14, Code of Federal Regulations (14 CFR) permits the Air Force to conduct low-level operations without complying with en route minimum altitudes for flight under instrument flight rules (IFR) or direction of flight requirements for IFR en route segments in uncontrolled airspace. The amendment you request would permit the United States Army Special Operations Command (USASOC), 160th Special Operations Aviation Regiment (160th SOAR) to operate under that exemption when training to conduct joint operations with the Air Force Special Operations Command (AFSOC).

On October 25, 2000, the Federal Aviation Administration (FAA) issued Exemption No. 4371F, which added Condition No. 8 to allow the 160th SOAR to operate under that exemption, when the 160th SOAR and the AFSOC are conducting joint operations, subject to certain conditions and limitations. However, in granting that amendment, the FAA did not clearly indicate that the 160th SOAR also is permitted to operate under that exemption when training to conduct joint operations with the AFSOC.

The FAA has determined that the justification for the issuance of Exemption No. 4371, as amended, remains valid with respect to this exemption.

In consideration of the foregoing, I find that a grant of exemption is in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. § 40109, delegated to me by the Administrator, Exemption No. 4371, as amended, is hereby further amended by revising

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Condition No. 8. For clarity, all conditions and limitations are stated below:

1. Operations under this exemption must be conducted at an altitude of at least 250 feet (with Terrain Following/Terrain Avoidance Radar Systems (TF/TA)) above the highest obstacle along the route of flight or 500 feet (without TF/TA) above the highest obstacle within 3 nm of the course to be flown over mountainous and other areas. Rotary-wing aircraft may operate at an altitude of at least 100 feet (with TF/TA) above the highest obstacle along the route of flight.
2. Operations under this exemption must be conducted under the procedural requirements of a letter of agreement (LOA) between the Wing originating the route and the air traffic control facility with jurisdiction over the airspace of the route segment for which this exemption is exercised.
3. Operations in Class G airspace may be conducted only if procedures have been established in an LOA that include the § 91.126(d), "Communications with Control Towers," requirements.
4. The LOA must include at least the following information:
 - (a) The route definition in geographical coordinates and the maximum route width;
 - (b) The route alignment that avoids Class B airspace;
 - (c) The route alignment that minimizes disturbance to persons and property on the ground;
 - (d) Provisions for military aircraft to flight check approved routes to ensure compliance with all provisions;
 - (e) The maximum altitudes for all route segments;
 - (f) Radar flight following or position reporting procedures, as applicable;
 - (g) Provisions for lost communications procedures; and
 - (h) The procedures whereby aircraft that are unable to continue the mission under the authority of this exemption are able to comply with the route and altitude requirements of part 91.
5. Operations may not be conducted under the authority of this exemption until a Notice to Airmen (NOTAM) concerning the exempted activity has been in effect at least 6 hours. The NOTAM must be issued regardless of the actual or forecast weather conditions

along the route segment for which this exemption is exercised.
The NOTAM must include at least the following information:

- (a) The name of the city or town nearest the route segment, and the State;
 - (b) The date and time period of the planned activity;
 - (c) The number and type of aircraft expected on the route;
 - (d) The ingress and egress points of the route segment expressed in fix/radial/distance from a very high frequency omnidirectional range; and
 - (e) The altitudes at which the aircraft will be flown.
6. The maximum route length authorized under this exemption is 40 nm.
7. Any environmental assessments associated with operations conducted under this exemption are the responsibility of the Air Force.
8. The USASOC, 160th SOAR is permitted to operate under this exemption when the 160th SOAR and AFSOC are conducting joint operations or when the 160th SOAR conducts training operations in support of AFSOC missions.

This letter shall be attached to, and is a part of, Exemption No. 4371.

This exemption expires on July 31, 2003, unless sooner superseded or rescinded.

Sincerely,

/s/ Sabra W. Kaulia
Program Director for Air Traffic Airspace Management

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LT. COLONEL CHRISTOPHER L. SWIDER
CHIEF FLIGHT STANDARDS DIVISION
DEPARTMENT OF THE AIR FORCE
1535 COMMAND DRIVE
ANDREWS AIR FORCE BASE, MD 20762-7002

Certificate holding region: AEA-200, Flight Standards service, Eastern Region.